

**U.S.S.N. 09/127,411  
GRUENBERG  
SUPPLEMENTAL RESPONSE**

**THE REJECTION OF CLAIMS 37 AND 39 UNDER 35 U.S.C. § 112, SECOND  
PARAGRAPH**

Claims 37 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being dependent on claim 36, which the Examiner alleges is "non-elected." This rejection is respectfully traversed.

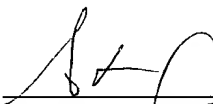
First, it is noted that the traverse of the requirement for election of species is maintained.

Second, notwithstanding this, claim 36, 38, 40 and 154-157 are improperly withdrawn from consideration. These claims read on the elected species. Clearly claim 36, upon which claims 37 and 39, depend encompass the elected species. Accordingly, claim 36 cannot have been withdrawn from consideration. Therefore, the rejection is improper at this stage in the prosecution.

\* \* \*

In view of the above remarks and the amendments and remarks of record, consideration and allowance of the application are respectfully requested.

Respectfully submitted,  
HELLER EHRMAN WHITE & MCAULIFFE LLP

By:   
Stephanie Seidman  
Registration No. 33,779

Attorney Docket No. 24731-500C  
**Address all correspondence to:**  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
4250 Executive Square, 7th Floor  
La Jolla, CA 92037  
Telephone: 858 450-8400  
Facsimile: 858 587-5360  
EMAIL:sseidman@HEWM.com